

**REMARKS**

Claims 1-15 are pending in this application.

Applicants have amended claims 1, 4, 6, and 8-15. The changes to these claims made herein do not introduce any new matter.

**Rejection Under 35 U.S.C. § 101**

Applicants respectfully request reconsideration of the rejection of claims 13-15 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicants have amended each of claims 13-15 to recite, among other features, a computer-readable storage medium having stored thereon computer-executable image processing program instructions. Accordingly, Applicants submit that claims 13-15 now define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

**Rejection Under 35 U.S.C. § 112**

Applicants respectfully request reconsideration of the rejection of claims 4-7 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 4 and 6 to address the antecedent basis issue noted by the Examiner. In particular, Applicants have changed the phrase “image processing conditions” to “image processing control information.” Applicants submit that claims 4-7 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of these claims thereunder be withdrawn.

**Rejection Under 35 U.S.C. § 103**

Applicants respectfully request reconsideration of the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* (“*Shiota*”) (US 6,011,547). As will be explained in more detail below, the *Shiota* reference would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1, 4, 6, and 8-15, as amended herein.

The *Shiota* reference discloses a configuration that allows an image reproducing apparatus to carry out image processing on image data based on recording information and stores the image data with the recording information added thereto in an image server.

The claimed subject matter, on the other hand, is characterized by the following features:

1) Independent claims 1, 9, and 13: setting picture quality adjustment parameters on the basis of image processing control information, and if any of the picture quality adjustment parameters are not set in that manner, setting them on the basis of shooting condition parameters;

2) Independent claims 4, 10, and 14: searching for a scene-specific image processing condition parameter from among the image processing control information, and if the scene-specific image processing condition parameter is not found, searching for a shooting scene condition from among the shooting conditions, further searching for an arbitrary image processing designating condition that arbitrarily designates an image processing condition from among the image processing control information, and if the arbitrary image processing designating condition is not found, searching for an arbitrarily set shooting condition from among the shooting conditions, and executing image processing using the acquired conditions;

3) Independent claims 6, 11, and 15: acquiring shooting scene information from the shooting conditions, defining scene correction information on the basis of the acquired shooting scene information, and if the scene-specific image processing condition is found among the image processing control information, replacing the scene correction information with the scene-specific image processing condition, defining image arbitrary correction information on the basis of the shooting conditions, and if the arbitrary image processing

condition is found among the image processing control information, replacing the image arbitrary correction information with the arbitrary image processing condition; and

4) Independent claims 8 and 12: using either the shooting information or the image processing control information to carry out image processing.

Thus, with the exception of claims 8 and 12, in the claimed subject matter the image processing control information is used in preference to the shooting information.

*Shiota's* configuration allows an image reproducing apparatus to relate a recording condition to image data. Therefore, the image data transmitted from a digital still camera does not include the recording condition, and *Shiota's* configuration is incapable of using either the recording information (shooting information) or the recording condition (image processing control information) to carry out image processing, and is further incapable of using the recording condition (image processing control information) in preference to the recording information (shooting information).

Moreover, *Shiota's* configuration generates a recording condition (image processing control information) based on recording information (shooting information), and basically obtains the same result when using either the recording information (shooting information) or the recording condition (image processing control information). As noted above, *Shiota* is unable to use the recording condition (image processing control information) in preference to the recording information (shooting information).

In view of the foregoing, the *Shiota* reference does not disclose or suggest a configuration that searches for image processing control information, as specified in claims 1, 4, 6, 9-11, and 13-15. To further distinguish the claimed subject matter from that shown in the *Shiota* reference, Applicants have amended these claims to specify 1) that the image data generating apparatus is separate from the image processing apparatus, and 2) that the image

processing control information designates image processing conditions to be used in the image processing apparatus.

With regard to claims 8 and 12, Applicants have amended these claims to specify 1) that the shooting information and the image processing control information are associated with the image data by the image data generating apparatus, and 2) the image data generating apparatus and the image processing apparatus are separate bodies. The *Shiota* reference does not disclose or suggest either of features 1) and 2).

For at least the foregoing reasons, the *Shiota* reference does not disclose or suggest each and every feature of the subject matter defined in claims 1, 4, 6, and 8-15, as amended herein. As such, the *Shiota* reference fails to raise a *prima facie* case of obviousness against the subject matter defined in amended claims 1, 4, 6, and 8-15.

Accordingly, independent claims 1, 4, 6, and 8-15, as amended herein, are patentable under 35 U.S.C. § 103(a) over *Shiota*. Claims 2 and 3, each of which ultimately depends from claim 1, claim 5, which depends from claim 4, and claim 7, which depends from claim 6, are likewise patentable under 35 U.S.C. § 103(a) over *Shiota* for at least the same reasons set forth above regarding the applicable independent claim.

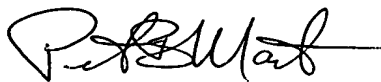
### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-15, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in

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**Response to Office Action dated January 11, 2008**

connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP073).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a stylized flourish at the end.

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